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The Lawyer's Ideal

"Law Notes," published at Northport, Long Island, contains an editorial comment on President Taft's recent speech at Chicago. An extract is published below to show the readers what President Taft thinks of the lawyer's ideal as it is illustrated in the conduct of many attorneys.

While the president is arguing in favor of giving more power to the judges (who already have power enough) and while he does not touch the worst abuses of the lawyer's power, namely, the selling of his services to predatory corporations, still he contends for a higher ideal among our lawyers. The lawyer is an officer of the court and as such he is sworn to assist in the administration of justice. When he has helped his client to secure all that his client is entitled to, he has done his full duty as a lawyer, and he can not go beyond this except at his own peril. The lawyer who habitually attempts to prove that to be right which he knows to be wrong finally loses the power to discern between right and wrong, and becomes an unsafe adviser. "Law Notes" says:

THE PRESIDENT ON COURTS AND LAWYERS

The president's Chicago speech was largely devoted to a grave arraignment of American courts and their methods of administering the law, and it comes with especial force from so accomplished a lawyer. Much of the substance of the criticism is more or less familiar to our readers and has been before the public for some time. A striking statement of the same evils was made at least two years ago by Judge Amidon, and created much discussion. How much easier it is to point out the defects of existing institutions than to devise a practical remedy is indicated by the fact that Judge Amidon is on the committee of the American Bar Association which produced the report for the unification of courts noticed above. Before reform is accomplished, however, the people must be awakened to a lively and real sense of the evils of the present condition of things, and surely there can be no more effective way of accomplishing this result than for the president to emphasize the defects of the administration of law in his public utterances.

"There is," said Mr. Taft, "no subject upon which I feel so deeply as upon the necessity for reform in the administration of both civil and criminal law. To sum it all up in one phrase, the difficulty in both is undue delay, It is not too much to say that the administration of criminal law in this country is a disgrace to our civilization, and that the prevalence of crime and fraud, which here is greatly in excess of that in the European countries, is due largely to the failure of the law and its administrators to bring criminals to justice."

He proceeded to contrast English courts and their methods with American. The superior effectiveness of the former and the minimizing of delay there he attributed to the effective control of the courts by the judges, while here, on the other hand, the judge "has hardly more power than the moderator in a religious assembly." The power of the judge has been lessened, however, not only by legislation, but, by reason of our habit of hastening to embody everything worth having in the state constitutions, the principle is embedded in the fundamental law of many states that the judge shall not express any opinion on a question of fact, leaving that for the jury.

But the evil is made greater by the conduct of our lawyers. The president declares that "it is undoubtedly true that in England lawyers in the conduct of their cases feel much more and respect much more their obligation to assist the court in administering justice and restrain themselves from adopting the desperate and extreme methods which American lawyers are even applauded for. The trial here is a game in which the advantage is with the criminal, and if he wins he seems to have the sympathy of a sporting public."

This is a state of things which no one can deny, and it should be a source of humiliation to us.—Law Notes.

ARE THEY SO SIMPLE?

In his speech at St. Louis Senator Aldrich said: "I do not come to you with any plan of monetary reform. Indeed, if I should be delegated today to individually and personally prepare a new system of finance for the country, I should be at a loss as to how to proceed. I should find it necessary to enter upon a careful investigation, and would not undertake to formulate anything without much more study than I have been able to give to this subject. Even in that event I should want your advice and co-operation, and should ask your aid just as I am asking it now for the commission."

Does anyone imagine that Mr. Aldrich and his associates have not devised an explicit scheme as their plan of "monetary reform?" Does any one imagine that on the monetary question Mr. Aldrich will take the advice of any one outside of the exclusive circle of financiers he serves so cleverly? Was it not, in fact, an insult to the intelligence of the St. Louis business men for Senator Aldrich to pretend that he sought their advice? To be sure he wants their co-operation and their aid just as he wanted it for the tariff bill; just as he will want it for the ship subsidy scheme—just as he will want it in furtherance of any measure intended to increase the dividends of the men for whom Mr. Aldrich speaks in the United States senate.

Is it not strange that the business men of St. Louis, Chicago and of other cities who are depending for success upon honest business methods, do not understand that their interest lies with the masses of the people to whom Aldrichism is oppressive rather than with the Rhode Island senator and his small coterie of monopolists?

"GOVERNMENT BY PREACHERS"

An Indiana society which talks about being engaged in the "fight for personal liberty" protests against "government of and by preachers." It is to be hoped that the doctrine of personal liberty will not be carried to the extent of denying freedom of speech to those who do not drink. Surely a preacher who has no pecuniary interest to serve, but who acts—whether mistaken in judgment or not—according to what he conscientiously believes is for the good of people generally, is as much entitled to an opinion on the liquor question as the man who, because he manufactures it or sells it as a money investment, has in the cultivation of the drink habit.

On Republican Ground

The Houston Post, which has enlisted in the fight to convert the democratic party from a tariff reform party to a party of protection for local interests, insists that "Mr. Bryan fails to grasp the economic status of the free raw material doctrine" and that "he seems to ignore the truth that the sole function of a tariff law according to the democratic view, is to derive revenue for the support of the government."

The Post mistakes the issue. Mr. Bryan insists that in the making of a tariff law, the question of revenue is the only question to be considered and that the interests of the Texas wool growers and the Texas lumber dealers shall not absorb the attention of law makers.

The Post adopts—as it necessarily must, if it defends protection—the republican line of argument and attempts to make a rule from an incident. It says, "The experience of free hides has already shown that the repeal of the tax does not inure to the benefit of the consumer," but that "the money once paid into the treasury of the government, now goes straightway into the pockets of the manufacturers of leather products."

If it could be shown that the consumers of leather, harness, boots and shoes have not profited by putting hides on the free list, it would not be an answer to the proposition advanced by Mr. Bryan.

If the Post will examine the platform which Mr. Bryan read at Dallas, it will find that the demand is for free hides, free leather, free harness, free boots and free shoes.

Does the Post insist that the consumer would get no benefit if the policy proposed by Mr. Bryan were carried out? If so, how will it explain the willingness of both its senators and all of its members of congress to vote for free hides, on condition that leather, harness, boots and shoes should also be on the free list?

We are exporting manufactured leather, and it is entirely probable that the price of manufactured leather in this country is not equal to the foreign price plus the tariff, therefore such a reduction as the Aldrich bill made in the tariff on leather, harness, boots and shoes, was not sufficient to compel a reduction in the price of the American product, but does that give us any reason to believe that no advantage would come to the consumer if Mr. Bryan's proposition was carried out, and the manufactures of leather put on the free list?

If the removal of the tariff on manufactured leathers would not reduce the price of the finished product, the only explanation would be that the tariff is not added to the price of the home product, and that would mean that the manufacturers of leather are able to sell at home in competition with the world without any tariff whatever on the manufactured product, and in spite of a tariff on the raw material. If it is true that our manufacturers can compete with the world and carry the burden of the tariff on raw material, the removal of that burden will enable them to increase their sales abroad.

At present when a manufacturer of leather wants to export, he imports his raw material because he can secure a rebate of the tariff on some raw material. He is thus forced to discriminate against the domestic producer of raw material.

The Post complains that the government loses the benefit of the tariff formerly collected on hides. If the domestic producer of hides collected on such hides an increased value equal to the tariff, then the manufacturers of leather had to pay to the producers of hides, five or six times as much as the government collected on foreign hides.

If the leather manufacturers paid this amount out of their own pockets and did not reimburse themselves from the consumer of the manufactured products, it must be admitted that the government showed a great deal of partiality for the hide producers, and how well the Post defends, from a standpoint of a revenue tariff,

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